[9th October 1928

Railways

Alleged inconvenience caused by changes in train service between Dhronachallam and Kurnool.

*455-A Q.—Mr. G. Harisarvottama Rao: Will the hon. the Member for Finance be pleased to state—

(a) whether he is aware of the fact that in the recent arrangements made with regard to the running of passenger trains between Dhronachallam and Kurnool on the transfer of the said section of the Madras and Southern Mahratta Railway to the Nizam Guaranteed State Railway, Kurnool, the headquarters of the district has been cut off from timely connexion with trains running towards the whole district east of Dhronachallam as also with trains that run to meet the Bombay Mail at Guntakal;

(b) whether any proposals are under consideration and are likely to be put into operation at a very early date remedying these grave inconveniences;

(c) whether in consequence of the existing state of affairs Kurnool has its postal arrangements disturbed so much as to delay delivery of letters from east and west by almost a day more; and

(d) if the answer to (c) is in the affirmative whether any arrangements will be made early to restore things to the normal?

A.—As the hon. Member is aware 'Railways' is a Central Subject. The Government have no information in the matter, but will forward the hon. Member's question to the Railway authorities for their consideration.

Mr. G. Harisarvottama Rao:—"May I know from the hon. the Finance Member whether he will be pleased to make such enquiries as he may deem fit and find out the fact and send it up with his own recommendations?"

The hon. Mr. T. E. Moir:—"Any enquiry that may be made by the Government will be futile, if I may say so. In this question, I take it, the hon. Member has given points to which the attention of the Railway authorities will surely be drawn."

II

COMMUNICATION TO THE COUNCIL.

The Secretary laid on the table copies of G.O. No. 1465,[a] Development, dated 3rd September 1928, recording the audit report of the Government Industrial Institute, Madura, for the quarter ending 31st December 1927.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III

A BILL FURTHER TO AMEND THE COURT FEES ACT, 1870.

The House then resumed discussion on the Court Fees Act Amendment Bill.

* Mr. A. Parasurama Rao:—"Mr. President, the hon. the Law Member evidently has not realized how this Bill will act on the litigant public, particularly in the Ceded districts. In the first place, he proposes to reduce the

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a Printed separately.

court fees upon suits filed whose value is Rs. 1,000 and whose nature is of small cause; and such suits may not be filed at all in the Ceded districts, and it will be a dead letter so far as these districts are concerned. Off and on, when civil work gets accumulated owing to heavy sessions, sub-judges are appointed for short periods to clear off arrears and even such sub-judges are given jurisdiction only over a very small area, and practically they don't get any work so far as these small causes are concerned from their jurisdiction. As for the other provision, I should certainly say that will decidedly increase the court fees to be paid by the litigants. Now, for suits up to Rs. 300 the percentage of court fees is $7\frac{1}{2}$ per cent But the proposal that is made in the Bill is that for all suits of small cause nature the court fee is $7\frac{1}{2}$ per cent, and when suits within Rs. 500 take the form of original suits, the higher court fee of $11\frac{1}{4}$ per cent has to be paid. That means practically, for all suits above Rs. 100, because none of the munsifs, so far as I am aware, in the Ceded districts are invested with powers of small cause above Rs. 100, there is a decided increase. In the circumstances, all suits above Rs. 100 and below Rs. 500 will have to be taxed with a fee of $11\frac{1}{4}$ per cent. I ask in all seriousness whether the hon. the Law Member is correct in his attitude in piloting this Bill through the Council. Is it not right on his part to reconsider his decision and say that he will drop the Bill because it causes hardship throughout the Presidency and not only in the Ceded districts? In every district where sub-courts are located, their jurisdiction is very very small, and confined to small areas and in most cases to the municipal towns, and so this Bill will not advance the interests of the litigant public. Besides, where is the necessity for such a hurried measure now, when as the hon. Law Member himself says the whole thing is being considered by the Central Government, and the matter can then be threshed out completely? If the Bill is in the interests of the litigant public, I should be the first man to welcome such a measure. But the fact is otherwise. So the hon. the Law Member will be well advised to drop the whole thing. If he is really earnest and sincere, I would advise him to do one thing, that is, drop the whole of the Amendment Bill. Then there will be a substantial benefit to all the litigant public, and the hon. Law Member will be entitled to their gratitude."

* Mr. J. A. SALDANHA:—"Sir, I have been pleading in vain in the past, not only for the reduction, but for doing away altogether with court fees. There is no country except this where there are any court fees levied. I don't think the hon. the Law Member will be surprised when I say, that even in England there is no such thing as court fees. When we are pleading for its total abolition, it is surprising—the predecessor of the present Law Member sympathized with my Bill to some extent—that the hon. the Law Member should come now with a Bill which for various reasons would well tend to increase the court fees rather than decrease it. It is high time, Sir, that the court fees should be reduced and considerably reduced. Here is a very good opportunity for the Government to reduce it as proposed by several members. I shall not go into all the details now, but when the Bill comes before the Select Committee—of which I happen to be member—I shall strenuously fight for the rights of the public."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I have only very few words to say by way of reply. I wish to repeat the assertion I made in my opening speech, viz., that all the valuable suggestions, made by several hon. Members—very many valuable suggestions, I admit have been made—will be carefully considered in the Select Committee. 11-45 a.m.

"My hon. Friend, Mr. Satyamurti, stated yesterday that I would not state what the figures were either of deficit or of increase, and added that, if I stated the figures, then the cat would be out of the bag. In his imagination, my friend sees a bag and a cat; but I may tell him that neither of them exists. As for the figures, I have nothing to conceal from the hon. Members of this House. Whatever information I have, I shall immediately place before the House, and I shall place all my cards on the table. I have nothing to conceal. In respect of the deficit that will be caused by the reduction of fees with reference to suits between Rs. 500 and Rs. 1,000, the High Court has made a calculation. It comes to Rs. 72,000-15-0. (Mr. C. V. Venkataramana Ayyangar :—Small cause suits or others ?) The amount that will be reduced by the passing of this measure is what I have given. With reference to the enhancement, the High Court has not been in a position to make any calculation. (Laughter.) But both the High Court and the Government believe that the enhancement will be very much less than Rs. 72,000.

"I have only one other observation to make in answer to what my hon. Friend, Mr. Karant, has stated. He said that the Select Committee is a packed one. I am really sorry that my hon. Friend made himself responsible for that observation. As a matter of fact, I took particular care in the composition of the Select Committee. All the political parties in this House have been carefully represented on the Select Committee, and only two members who do not belong to any political party have been included. It was necessary to include them. One is my Friend the Advocate-General and the other is myself. It is a committee of this description that my hon. Friend called a packed committee. With reference to his own political comrades sitting with him in his block, I have a very much better opinion of them than my hon. Friend Mr. Karant. My hon. Friends of the Swarajya party who have been included in the Select Committee are Messrs. Venkataramana Ayyangar, Saldanha and K. V. R. Swami. (Mr. S. Satyamurti: I do not think the epithet packed applies to them.) It is not possible either by cajoling my hon. Friends of the Swarajya party or by coercing them to make them accept my view. I find that Mr. Saldanha has declared just now that he will put up a strong and strenuous fight in the Select Committee. I am not surprised. I did not expect anything else from my hon. Friend. So that there is absolutely nothing to justify the observation of my hon. Friend, Mr. Karant, that the Select Committee is a packed body.

"As I observed, the various suggestions that have been made by hon. Members will be carefully considered in the Select Committee. I hope the House will accept my motion."

The motion to refer the Bill to a Select Committee was then put and declared carried.

A poll was demanded and the House divided thus :—

Ayes.

1. The hon. Sir Norman Marjoribanks.
2. " Khan Bahadur Muhammad Usman Sahib Bahadur.
3. " Mr. T. E. Moir.
4. " Diwan Bahadur M. Krishnan Nayar.
5. " Mr. S. Muthiah Mudaliyar.
6. " Dr. P. Subbarayan.
7. Rao Bahadur C. V. Anantakrishna Ayyar.
8. Mr. C. B. Cotterell.
9. " H. A. Watson.
10. " C. A. Souter.
11. " A. McG. C. Tampoe.
12. " C. W. E. Cotton.
13. " V. Ch. John.
14. " M. A. Manikkavelu Nayakar.

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Ayes—cont.

15. Syed Tajudin Sahib Bahadur.
16. Mr. J. A. Davis.
17. ,, R. Foulkes.
18. ,, P. J. Gnanavaram Pillai.
19. Mahmud Schamnad Sahib Bahadur.
20. Mr. Muppil Nayar of Kavalappara.
21. ,, J. Kuppuswami.
22. Subadar-Major S. A. Nanjappah Bahadur.
23. Rao Bahadur O. M. Narayanan Nambudiripad.
24. Mr. K. Krishnan.
25. ,, N. Siva Raj.
26. ,, M. V. Gangadhara Siva.
27. Rao Sahib L. C. Guruswami.
28. Mr. V. I. Muniswami Pillai.
29. ,, W. P. A. Soundara Pandia Nadar.
30. ,, S. Subrahmanya Moopanar.
31. ,, Daniel Thomas.
32. ,, S. V. Vanavudaya Goundar.
33. Nattam Dubash Kadir Sahib Syed Ibrahim Sahib Bahadur.
34. Rai Sahib M. Hampayya.
35. The Zamindar of Singampatti.
36. Mr. C. R. T. Congreve.
37. Rajkumar S. N. Dorai Raja.
38. Mr. S. Arpudaswami Udayar.
39. The Zamindar of Kallikota.
40. Rao Sahib R. Srinivasan.
41. Khan Bahadur P. Khalifullah Sahib Bahadur.
42. Mr. G. R. Premayya.
43. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
44. Mr. Ramanath Goenka.
45. ,, R. Nagan Gowda.
46. The Zamindar of Gollapalli.
47. Mr. C. R. Parthasarathi Ayyangar.
48. ,, T. C. Srinivasa Ayyangar.
49. ,, P. Siva Rao.
50. ,, Chavadi K. Subrahmanya Pillai.
51. ,, K. R. Venkatarama Ayyar.
52. ,, K. P. Raman Menon.
53. Rao Bahadur C. S. Ratnasabapathi Mudaliyar.
54. The Raja of Panagal.
55. Rao Bahadur Sir A. P. Patro.
56. Mr. T. K. Chidambaranatha Mudaliyar.
57. Khadir Mohideen Sahib Bahadur.
58. Diwan Bahadur S. Kumaraswami Reddiyar.
59. Rao Bahadur B. Muniswami Nayudu.
60. The Zamindar of Mirzapuram.
61. Mr. A. V. Bhanoji Rao.

Noes.

1. Mr. Sami Venkatachalam Chetti.
2. ,, S. Satyamurti.
3. ,, C. V. Venkataramana Ayyangar.
4. ,, T. Adinarayana Chettiyar.
5. ,, P. Anjaneyulu.
6. ,, P. C. Venkatapathi Raju.
7. ,, J. A. Saldanha.
8. ,, Abdul Hamid Khan.
9. ,, C. S. Govindaraja Mudaliyar.
10. ,, G. Harisarvottama Rao.
11. ,, C. N. Muthuranga Mudaliyar.
12. ,, K. V. R. Swami.
13. ,, M. Narayana Raju.
14. ,, K. Uppi Sahib.
15. Mr. K. R. Karant.
16. ,, C. Obi Reddi.
17. ,, A. Parasurama Rao.
18. ,, C. Ramasomayajulu.
19. ,, Basheer Ahmad Sayeed Sahib.
20. ,, P. Bhaktavatsulu Nayudu.
21. Sriman Biswanath Das Mahasayo.
22. Mr. A. Kaleswara Rao.
23. ,, R. Srinivasa Ayyangar.
24. ,, K. Koti Reddi.
25. ,, L. K. Tulasiram.
26. ,, K. V. Krishnaswami Nayakar.
27. ,, C. Venkatarangam Nayudu.
28. ,, B. Venkataratnam.

Ayes 61. Noes 28.

The motion was carried.

The hon. the PRESIDENT :—"I appoint Mr. T. C. Srinivasa Ayyangar as the Chairman of the Select Committee."

IV

A BILL TO AMEND THE MADRAS UNIVERSITY ACT, 1923.

The hon. Dr. P. SUBBARAYAN :—"Mr. President, I now present the report of the Select Committee of the Madras University Amendment Act and move that it be considered by this Council."

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I second it."

The motion was put and carried.

* The hon. the PRESIDENT :—"Clause 1 is for the consideration of the Council."